



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/863,047	05/23/1997	FUMIAKI ITO	35.C12088	4264
5514	7590	04/06/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/863,047	ITO ET AL.	
	Examiner	Art Unit	
	Ella Colbert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9,10,12,13,15-46 and 62-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 64 and 68 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9,10,12,13,15-46,62,63,65 and 67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>27 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3, 4, 9, 10, 12, 13, 15-46, and 62-67 are pending. Claims 1, 3, 4, 9, 10, 12, 15, 16, 19, 25, 31, and 62-67 have been amended in this communication filed 12/27/05 entered as Response After Non-Final and Request For Extension of Time.
2. The IDS filed 12/27/04 has been entered and considered.
3. The amendments to the Specification has overcome the Objection to the Specification and Drawings and is hereby withdrawn.
4. The Claim Objection for claim 9 still remains as set forth here below.
5. The 35 USC 112 6th paragraph rejection has been overcome by the amendments to claims 1, 3, 4, 18-22, 35-38, 62, and 63 and is hereby withdrawn.
6. The 35 USC 112 first paragraph rejection has been overcome by the amendment to claims 1, 3, 4, 9, 10, 12, 13, 15-46, and 63 and is hereby withdrawn.
7. The 35 USC 112 second paragraph rejection for claims 1 and 12 has been overcome by the amendment to claims 1, 9, and 12 and is hereby withdrawn.
8. The 35 USC 101 rejection for claims 9, 10, 15, 23-28, 39-42, 64, and 65 has been overcome by the amendments to claim 9, 10, 15, 23-28, 39-42, 64, and 65 and is hereby withdrawn.

Claim Objections

9. Claims 1, 9, and 62 are objected to because of the following informalities: Claim 1, line 10 reads "in other of the plurality of folders;". This line would be better read "... in the other". Claim 9, line 4 reads "... in other of the". This line would be better read "... in the other". Claim 62, line 2 reads "folder searched means searches a plurality of

Art Unit: 3624

candidate". Do Applicants' mean "folder searching means searches a plurality of candidate"? Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3, 15-17, 23, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,751,287) Hahn et al, hereafter Hahn in view of (US 5,222,234) Wang et al, hereafter Wang.

With respect to claim 1, Hahn teaches, a folder retainer means for retaining a plurality of folders each of the folders storing at least one document (col. 1, lines 32-50, col. 2, lines 17-22 and Fig. 1c (200, 210, & 220); new document retainer means for retaining a new document (col. 2, lines 23-30). Hahn failed to teach, a folder searcher for searching the plurality of folders to identify at least one candidate folder from the plurality of folders suitable for storing the new document, by comparing a feature of the new document with a feature of the documents in each of the plurality of folders, wherein the at least one candidate folder has documents more similar to the new document than documents in other of the plurality of folders; and controlling means for controlling to store the new document into a selected folder selected by a user from the plurality of folders searched by said folder searcher. Wang teaches, a folder searcher

Art Unit: 3624

for searching the plurality of folders to identify at least one candidate folder from the plurality of folders suitable for storing the new document, by comparing a feature of the new document with a feature of the documents in each of the plurality of folders, wherein the at least one candidate folder has documents more similar to the new document than documents in other of the plurality of folders; and controlling means for controlling to store the new document into a selected folder selected by a user from the plurality of folders searched by said folder searcher (col. 3, line 65- col. 4, line 11, col. 4, lines 45-68, and col. 5, lines 11-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a folder searcher for searching the plurality of folders to identify at least one candidate folder from the plurality of folders suitable for storing the new document, by comparing a feature of the new document with a feature of the documents in each of the plurality of folders, wherein the at least one candidate folder has documents more similar to the new document than documents in other of the plurality of folders; and controlling means for controlling to store the new document into a selected folder selected by a user from the plurality of folders searched by said folder searcher and to modify in Hahn because such a modification would allow Hahn to have a system that can search for a document that is stored within one of the documents existing in a folder relationship- col. 1, lines 63-66.

With respect to claims 3, 15-17, 23, and 28, Hahn teaches, wherein a plurality of candidate folders suitable for saving the new document are searched and a list of a

Art Unit: 3624

plurality of searched candidate folders is displayed (col. 3, lines 11-22 and col. 5, lines 9-18).

With respect to claim 29, this dependent claim is rejected for the similar rationale given for claim 23.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 9, 10, 12, 13, 18-22, 24-27, 30-42, and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,751,287) Hahn et al, hereafter Hahn and (US 5,222,234) Wang et al, hereafter Wang in view of (US 5,832,470) Morita et al, hereafter Morita.

With respect to claim 4, Hahn failed to teach, wherein said folder searcher: judges a similarity degree between document information of the new document to be stored and a plurality of sets of information of the plurality of documents stored in each folder; and calculates a similarity order of the plurality of folders in accordance with the judged similarity degree. Wang teaches, wherein said folder searcher: judges a similarity degree between document information of the new document to be stored and

Art Unit: 3624

a plurality of sets of information of the plurality of documents stored in each folder; and calculates a similarity order of the plurality of folders in accordance with the judged similarity degree (col. 3, line 65- col. 4, line 11, col. 4, lines 45-68, and col. 5, lines 11-18). Morita teaches, judges a similarity degree between document information of the new document to be stored and a plurality of sets of information of the plurality of documents stored in each folder (col. 13, lines 13-25); and calculates a similarity order of the plurality of folders in accordance with the judged similarity degree (col. 13, lines 26-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the folder searcher: judge a similarity degree between document information of the new document to be stored and a plurality of sets of information of the plurality of documents stored in each folder and calculate a similarity order of the plurality of folders in accordance with the judged similarity degree and to modify in Hahn because such a modification would allow Hahn to have a folder for storing a document judged as noise and only prepared in the folder in which a noise document exists and it can be judged that the inside of the single key word folder can be classified in detail.

This independent claim is rejected for the similar rationale given above for claim 1.

With respect to claim 9, this independent claim is rejected for the similar rationale given for claims 1 and 4.

With respect to claim 10, this independent claim is rejected for the similar rationale given for claim 4.

Art Unit: 3624

With respect to claim 12, Hahn teaches, a computer readable storage medium for storing programs (col. 5, lines 40-46 (floppy disks, removable hard disks, optical storage media such as CD-ROMS)). This independent claim is also rejected for the similar rationale given for claims 1 and 9.

With respect to claim 13, this independent claim is rejected for the similar rationale given for claims 1, 4, 9, and 10.

With respect to claim 18, 24, and 30, Hahn failed to teach, the document includes vector data. Morita teaches, the document includes vector data (col. 11, lines 20-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the document include vector data and to modify in Hahn because such a modification would allow Hahn to have the distance of the word vector and the average vector of each document calculated.

With respect to claims 19, 25, and 31, Hahn teaches, the candidate folder has a high-level rank as determined by the result of the identification (Figure 18 (1920)).

With respect to claims 20, 26, and 32, Hahn teaches, a notifying means displays a label which is set in advance to indicate the candidate folder (col. 2, lines 23-30, col. 8, lines 57-67 and Figure 18 (1900)).

With respect to claims 21, 27, 33, and 38, Hahn teaches, the document includes text data (col. 4, lines 47-49). It is well known that electronic documents have text data.

With respect to claims 22, 29, and 34, Hahn teaches, means for causing the selected candidate folder to save the new document (col. 11, lines 57-65).

Art Unit: 3624

With respect to claim 24, this dependent claim is rejected for the similar rationale given for claim 18.

With respect to claim 25, this dependent claim is rejected for the similar rationale given for claim 19.

With respect to claim 26, this dependent claim is rejected for the similar rationale given for claim 20.

With respect to claim 27, this dependent claim is rejected for the similar rationale given for claim 21.

With respect to claim 28, this dependent claim is rejected for the similar rationale given for claim 22.

With respect to claim 30, this dependent claim is rejected for the similar rationale given for claims 18 and 24.

With respect to claim 31, this dependent claim is rejected for the similar rationale given for claims 19 and 25.

With respect to claim 32, this dependent claim is rejected for the similar rationale given for claim 20.

With respect to claim 33, this dependent claim is rejected for the similar rationale given for claim 21.

With respect to claim 34, this dependent claim is rejected for the similar rationale given for claim 22.

With respect to claim 35, Hahn and Wang failed to teach, wherein said notifying means provides notification only of a predetermined number of folders with a high rank

Art Unit: 3624

of similarity order. Morita teaches, wherein said notifying means provides notification only for a predetermined number of folders with a high rank of similarity order (col. 12, lines 42-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a notification only for a predetermined number of folders with a high rank of similarity order and to modify in Hahn because such a modification would allow Hahn to have a first hierarchy or top class of the classification system when the key word is related (high rank of similarity order).

With respect to claim 36, Hahn and Wang failed to teach, the document is stored in a folder mentioned in the notification provided by the notifying means. Morita teaches, the document is stored in a folder mentioned in the notification provided in the notifying means (col. 12, lines 65-67 and col. 13, lines 13-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the document stored in a folder mentioned in the notification provided in the notifying means and to modify in Hahn because such a modification would allow Hahn to have a single key word folder since documents attracted to one key word are stored as mentioned in a notification.

With respect to claim 37, this dependent claim is rejected for the similar rationale given for claim 26.

With respect to claim 38, this dependent claim is rejected for the similar rationale given for claim 27.

With respect to claim 39, this dependent claim is rejected for the similar rationale given for claim 35.

With respect to claim 40, Hahn and Wang failed to teach, the document is stored in at least one folder mentioned in the notification in the notifying step. Morita teaches, the document is stored in at least one folder mentioned in the notification in the notifying step (col. 12, lines 65-67 and col. 13, lines 13-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the document stored in a folder mentioned in the notification provided in the notifying means and to modify in Hahn because such a modification would allow Hahn to have a single key word folder since documents attracted to one key word are stored as mentioned in a notification.

With respect to claim 41, this dependent claim is rejected for the similar rationale given for claims 26 and 37.

With respect to claim 42, this dependent claim is rejected for the similar rationale given for claim 33.

With respect to claim 43, this dependent claim is rejected for the similar rationale given for claims 35 and 39.

With respect to claim 44, this dependent claim is rejected for the similar rationale given for claim 40.

With respect to claim 45, this dependent claim is rejected for the similar rationale given for claim 41.

With respect to claim 46, this dependent claim is rejected for the similar rationale given for claim 33.

With respect to claim 62, Hahn and Wang failed to teach, wherein said candidate folder searched means searches a plurality of candidate folders suitable for storing the new document as a folder to be stored, by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders.

Morita teaches, wherein said folder searched means searches a plurality of candidate folders suitable for storing the new document as a folder to be stored, by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders (col. 2, lines 66- col. 3, line 25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a system wherein said folder searched means searches a plurality of candidate folders suitable for storing the new document as a folder to be stored, by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders and to modify in Hahn because such a modification would allow Hahn to compare documents in the single key word folder with each other to prepare a related key word folder or a folder stored with retrieved conditions for designating a plurality of related words to be retrieved.

With respect to claim 63, Hahn and Morita failed to teach, wherein said notifying means notifies of only the plurality of candidate folders searched by said candidate folder searcher means to a user. Wang teaches, wherein said notifying means notifies of only the plurality of candidate folders searched by said candidate folder searcher means to a user (col. 2, lines 15-21, and col. 3, line 64-col. 4, line 5 and lines 45-68).

Art Unit: 3624

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a system wherein said notifying means notifies of only the plurality of candidate folders searched by said candidate folder searcher means to a user and to modify in Hahn because such a modification would allow Hahn to easily detect a desired document from a large number of documents.

With respect to claim 65, Hahn and Wang failed to teach, wherein said notifying step notifies of only the plurality of candidate folders searched in said candidate folder searching step to a user. Morita teaches, wherein said notifying step notifies of only the plurality of candidate folders searched in said candidate folder searching step to a user (col. 15, lines 27-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the notifying step notifies of only the plurality of candidate folders searched in said candidate folder searching step to a user and to modify in Hahn because such a modification would allow Hahn to arrange the documents according to the calculated similarities to cope with the retrieval problem.

With respect to claim 67, this dependent claim is rejected for the similar rationale as given above for claim 65.

Allowable Subject Matter

14. Claims 64 and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3624

The following is a statement of reasons for the indication of allowable subject matter: claim 64 with a method for a plurality of candidate folders suitable for storing the new document as a folder to be stored is selected in said candidate folder selecting step by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders, was not made obvious or fairly suggested by the prior art of record.

Response to Arguments

15. Applicants' arguments filed 12/27/04 have been fully considered but they are not persuasive.

Issue no. 1: Applicants' argue: It is stated that Applicants' should be given substantial latitude in the claim language in MPEP 1503.01 has been considered but is not persuasive. Response: MPEP 1503.01 refers to a design application and not a utility application. The claim language in a utility or business methods application is rejected and objected to differently than in a design application. It is unclear to the Examiner as written what Applicants' are trying to claim.

Issue no. 2: Applicants' argue: Applicants' believe the claims from which these claims depend also recite patentable subject matter and claims 64 and 66 are not rewritten in independent form has been considered. Response: This argument is respectfully traversed because the Applicants' can insert into the independent claims word-for-word the allowable subject matter as written in the reasons for allowance section above.

Issue no. 3: Applicants' argue: Hahn and Morita are not seen to describe the folder searcher and controlling means of the present invention, wherein the folder searcher means searches a plurality of folders to identify at least one candidate folder from the plurality of folders which is suitable for storing the new document, the folder searcher comparing a feature of the new document with a feature of the documents in each of the plurality of folders, wherein the at least one candidate folder has documents more similar to the new document than documents in other of the plurality of folders, and the controlling means controlling to store the new document into a selected folder selected by a user from the plurality of folders searched by the folder searcher has been considered but is not persuasive. Response: Applicants' appear to be arguing their amendments to claims 1, 9, and 12.

Issue no. 4: Applicants' argue: Claim 62 is believed to have similar features to those of Claims 64 and 66 has been considered but is not persuasive. Response: Where is Applicants' "a plurality of candidate folders suitable for storing the new document as a folder to be stored is selected in said candidate folder selecting step by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders" in claim 62?

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

Art Unit: 3624

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

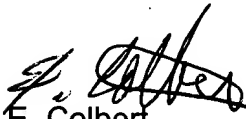
Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. Colbert", is written over the printed name.

E. Colbert
April 2, 2005